

FILED  
JAMES LEONARD  
CLERK

Case No: 02-4261  
**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

04 DEC 16 PM 2:40

**ORDER**

**FILED**

DEC 16 2004

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

AARON J. SMITH

Defendant - Appellant

LEONARD GREEN, Clerk

1:02-cr-00001  
Judge Spiegel

BEFORE: DAUGHTREY and COLE, Circuit Judges; POLSTER\* District Judge.

Upon consideration of appellant's motion to dismiss the  
petition for rehearing,

It is ORDERED that the motion be and hereby is GRANTED.

ENTERED BY ORDER OF THE COURT

Leonard Green /LB  
Leonard Green, Clerk

\* The Honorable Dan Aaron Polster, United States District Judge  
for the Northern District of Ohio, sitting by designation.